



Response Under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 3700

PATENT
ATTORNEY DOCKET NO.: 040894-7392

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Nobuaki YAGI) Confirmation No.: 5562
Application No.: 10/567,860) Art Unit: 3721
Filed: February 10, 2006) Examiner: L. Low
For: PAPER-PRESSING TABLE LOCK) Mail Stop AF
MECHANISM OF A STAPLER (AS AMENDED))

Mail Stop AF,
Commissioner of Patents
U.S. Patent and Trademark Office
Alexandria, VA 22314

Sir:

**AMENDMENT AND REQUEST
FOR RECONSIDERATION UNDER
37 C.F.R. § 1.116 TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment and Request for Reconsideration Under 37 C.F.R. § 1.116 responding to the Final Office Action dated July 24, 2008.
2. Additional papers enclosed:

Replacement Drawings
 Information Disclosure Statement
 Form PTO-1449, ____ references included
 Citations
 Declaration of Biological Deposit
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| Total Months <u>Requested</u> | Fee for <u>Extension</u> | [Fee for Small Entity] |
|---------------------------------------|-----------------------------|---------------------------|
| <input type="checkbox"/> one month | \$ 130.00 | \$ 65.00 |
| <input type="checkbox"/> two months | \$ 490.00 | \$ 245.00 |
| <input type="checkbox"/> three months | \$ 1,110.00 | \$ 555.00 |
| <input type="checkbox"/> four months | \$ 1,730.00 | \$ 865.00 |

Extension of time fee due with this request: \$ _____

If an additional extension of time is required, please consider this a Petition therefor.

An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED | | | | | | |
|-------------------------------------------------------|-------------------------------------------|-------|--------------------------------|------------------|---------------|------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid | Present Extra | at Rate of | Total Fees |
| Total Claims (37 C.F.R. §1.16(c)) | 3 | minus | 20 | 0 | x \$52 each= | +\$ |
| Independent Claims (37 C.F.R. §1.16(b)) | 1 | minus | 3 | 0 | x \$220 each= | +\$ |
| [] First presentation of Multiple dependent claim(s) | | | | | \$390.00 | +\$ |
| SUB-TOTAL = | | | | | | \$ |
| Reduction by ½ for filing by a small entity | | | | | | -\$ |
| TOTAL FEE = | | | | | | \$ |

6. Fee Payment

- No fee is to be paid at this time.
- The Commissioner is hereby authorized to charge _____ for _____ to Deposit Account 50-0310.
- The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:

David E. Connor

Reg. No. 59,868

Dated: October 24, 2008

CUSTOMER NO. 009629

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| MECHANISM OF A STAPLER (AS AMENDED) |) | |

Mail Stop AF,
Commissioner of Patents
U.S. Patent and Trademark Office
Alexandria, VA 22314

Sir:

**AMENDMENT AND REQUEST FOR
RECONSIDERATION UNDER 37 C.F.R. § 1.116**

In response to the Final Office Action dated July 24, 2008, and pursuant to 37 C.F.R. § 1.116, the period of response to which extending through October 24, 2008, entry of the following Amendment is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal.